



Application No. 09/923,618

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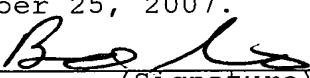
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re patent application of :
Fumitake Yodo : Confirmation No. 1742
Serial No. 09/923,618 : Group Art Unit: 3627
Filed: August 7, 2001 : Examiner: Thein, M.T.
For: Terminal Device, Accounting :
System And Data Processing Method x

MS Appeal Brief
Commissioner for Patents
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APPELLANT'S REPLY BRIEF

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(Signature)
BRUNO POLITTO

This Reply Brief is submitted in response to the Examiner's Answer mailed August 29, 2007. The Brief is particularly directed to the section of the Examiner's Answer entitled "Response to Argument." (Examiner's Answer section 10.)

In the Examiner's Response to Argument, the Examiner acknowledges that Peterson '020 does not disclose "the transmission of accounting points." (Examiner's Answer section 10, lines 7, 8.) Nevertheless, the Examiner asserts that the transmission of accounting points from a terminal device to an accounting center is obvious because "one of ordinary skill in the art would clearly recognize that this is the preferred method of 'adjusting' the amount of prepaid funds." (Examiner's Answer section 10, lines 8, 9.) In support of her position, the Examiner emphasizes that Peterson '020 discloses an adjustment of prepaid funds and not a replacement or renewal of such funds (Examiner's Answer section 10, lines 13-15), and that Peterson's adjustment occurs at the accounting center (Examiner's Answer section 10, lines 21-23).

However, the "adjustment of prepaid funds" disclosed in Peterson '020 teaches away from Appellant's "transmission of accounting points." Thus, one of ordinary skill in the art who was seeking to implement Peterson's "adjustment of prepaid funds" would be led away from Appellant's "transmission of accounting points." Moreover, Appellant implements a renewal of point values rather than adjustment of prepaid funds, and Appellant's renewal occurs at a terminal device rather than an accounting center.

Regarding Appellant's "transmission of accounting points," it is noted that Appellant's claim recites "carrying out an accounting processing in the accounting center based on the [transmitted] accounting points." The "accounting processing" referred to in this recitation is not directed to "adjusting prepaid funds," but rather, is directed to actual payment for purchases. For example, the accounting processing recited in the

claim may involve using the transmitted points to determine fee amounts to be distributed to right-holders (or "vendors"). (See e.g., Application paragraphs [0138] and [0139].)

Since Appellant does not transmit points for the purpose of adjusting prepaid funds, the skilled artisan who is seeking to adjust prepaid funds would not infer that Appellant's transmission of points is the preferred way to implement such adjustment. Therefore, the skilled artisan who studies Peterson '020 would not infer Appellant's "transmission of points" based on Peterson's adjustment of prepaid funds. Further, the skilled artisan who studies the adjustment of prepaid funds discussed in Peterson '020 would be dissuaded from using Appellant's "transmission of points" because Appellant's "transmission of points" is entirely unrelated to prepaid funds. Indeed, there is no prepayment in Appellant's system.

In Appellant's system, points are stored in a terminal device as a form of "credit." A user of the terminal device can purchase information using the points as long as the total number of points (or "credit line") allotted to the device is not exhausted. Thus, each time a purchase is made using the device a point-cost associated with the purchase is deducted from the device's point-balance. (See e.g., Application paragraphs [0125]-[0127].) The user can complete a prospective purchase as long as the point-cost associated with the prospective purchase is less than or equal to the point-balance. However, the deductions of point-costs from the point balance do not constitute actual payment for purchases.

In Appellant's system, actual payment for purchases is carried out periodically and automatically by transmitting the point-balance from the terminal device to an accounting center. (See e.g., Application paragraphs [0131] and [0138].) The accounting center subtracts the received point-balance from the initial total number of points to determine the number of points expended on purchases. (See e.g., Application paragraphs [0138]

and [0139]..) Based on the number of points expended on purchases, the accounting center prepares data for drawing from a bank account associated with the terminal device and distributing the drawn amount(s) to the vendors. (See e.g., Application paragraph [0139], lines 7-16.)

Following successful processing at the accounting center, the center sends an "OK notification" to the terminal device. In response to the "OK notification" the terminal device restores the total number of points stored in the terminal device to the initial total number of points. (See e.g., Application paragraph [0142].)

Thus, Appellant's invention is directed toward the renewal of a credit line at terminal device. By contrast, Peterson '020 is directed toward adjustment of prepaid funds at an accounting center. Indeed, the Examiner admits that Peterson '020 discloses an adjustment of prepaid funds and not a replacement or renewal of such funds (Examiner's Answer section 10, lines 13-15), and that Peterson's adjustment occurs at an accounting center and not at a terminal device (Examiner's Answer section 10, lines 21-23).

Appellant's credit-based purchasing system is diametrically opposed to Peterson's prepayment-based system. A credit-based system evinces a high degree of confidence in the purchaser, while a prepayment-based system evinces a low degree of confidence in the purchaser. Accordingly, the two types of systems inherently teach away from each other.

In sum, the "adjustment of prepaid funds" disclosed in Peterson '020 teaches away from Appellant's "transmission of accounting points," and therefore Appellant's "transmission of accounting points" is not obvious in view of Peterson '020.

Application No. 08/467,548

For the reasons set forth in the Appeal Brief and in this Reply Brief, it is respectfully submitted that the Examiner erred in rejecting claim 11, and a reversal of such rejection by this Honorable Board is solicited.

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Respectfully submitted,

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